

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re Petition of)
)
INVICTUS GLOBAL MANAGEMENT,) MISC. No. 22-mc-00130
LLC,) -
)
Petitioner, for an Order Pursuant to 28)
U.S.C. § 1782 to Conduct Discovery for
Use in a Foreign Proceeding.

[PROPOSED] ORDER AUTHORIZING DISCOVERY UNDER 28 U.S.C. § 1782

Upon consideration of the Petition for an Order to Conduct Discovery for Use in a Foreign Proceeding Pursuant to 28 U.S.C. § 1782 (the “Petition”) submitted by Invictus Global Management, LLC (“Petitioner” or “Invictus”) and all papers submitted in support thereof, this Court finds that (1) the statutory requirements of 28 U.S.C. § 1782 are satisfied, and (2) the factors identified by the United States Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc*, 542 U.S. 241 (2004), also weigh in favor of granting the Petition.

IT IS HEREBY ORDERED that

- (a) The Petition is **GRANTED**;
- (b) Petitioner is authorized to serve the subpoenas, substantially in the form annexed as Exhibits A and B to the Declaration of Minyao Wang, upon Apollo Global Management, Inc. (“Apollo”) and Marc J. Rowan (“Mr. Rowan” and together with Apollo, “Respondents”);
- (c) Each Respondent shall produce the requested documents within thirty (30) days of the service of this Order on such Respondent, or such other date as agreed between Petitioner and such Respondent.

(d) Apollo shall appear for a Rule 30(b)(6) deposition in compliance with the Subpoena on a mutually agreeable date within a reasonable time after Apollo confirms in writing the final production of documents in response to the Subpoena;

(e) Mr. Rowan shall appear for a deposition in compliance with the Subpoena on a mutually agreeable date within a reasonable time after Mr. Rowan confirms in writing the final production of documents in response to the Subpoena;

(f) Nothing in this Order shall preclude Respondents from seeking relief under Rule 25 and Rule 45 of the Federal Rules of Civil Procedure, if appropriate; and

(g) Until further order of this Court, Respondents shall preserve all documents, electronic or otherwise, and any evidence in their possession, custody or control that contain information potentially relevant to the subject matter of the foreign proceeding at issue in the Petition.

SO ORDERED.

Date: May 9, 2022


UNITED STATES DISTRICT JUDGE